

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1212 OF 2006

Gopal Manjanna Shetty & ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Punit B. Anand for petitioner.

Mr. Pradeep Jadhav, AGP for respondent Nos. 1 & 8.

Mr. G.D. Utangale for respondent Nos. 2 to 7.

Ms. A.K. Savla for respondent Nos. 9 to 11.

Mr. D.M. Joshi for respondent Nos. 12 & 13.

Mr. M.S. Topkar for respondent No. 14.

**CORAM : F.I. REBELLO &
 ANOO V. MOHTA, JJ.**

DATED : 29th September, 2006

P.C.

. Considering the grievance of the petitioners that construction was not as required and sub-standard, an expert was appointed. The said expert AT & TS Associates have submitted their report on 23.08.2006. That report indicates his conclusions about the parameters are based on the information supplied. It is further pointed out that the structure does not comply with the design and parameters set out by the structural designer. However, considering the report of Mr. M.I. Pandit of M/s. Pioneer Geotechnical Engineers, which is undated and unsigned, it is set out that the building in present state appears to be a safe and sound

structure, assuming the correctness of the structure and design. The original has now been produced in the Court and a xerox copy taken on record.

2. On behalf of the petitioner the learned counsel points out that the builder was bound to pay them compensation which has not been paid and several other grievances which have not been attended to by the SRA. Insofar as compensation is concerned, in our opinion it will not be possible for us to decide that controversy in the exercise of our extra-ordinary jurisdiction. It will be open to the petitioner to take steps in law including by way of representation to SRA. Insofar as other grievances are concerned, it will be open to the petitioner to file the objections before SRA and if objections have already been filed, then the objections to be decided by SRA at any rate not later than eight weeks from today.

3. With the above observations, the petition stands disposed of.

[F.I. REBELLO, J.]

[ANOO P V. MOHTA, J.]